

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GAIL A. BURDEN,

Plaintiff,

No. 6:14-cv-00499-HZ

v.

ORDER

CAROLYN W. COLVIN, acting
Commissioner of Social Security,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff Gail A. Burden brought this action seeking review of the Commissioner's final decision denying her application for Supplement Security Income and Disability Insurance Benefits under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for a determination of benefits, and entered judgment on August 12, 2015.


Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in the case, the motion, and the supporting

materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), the Court finds the requested fees are reasonable.

Plaintiff's motion [31] is granted, and Plaintiff's counsel is awarded \$14,097.80 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$4,843.68 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awards under EAJA and send Plaintiff's attorney the balance of \$9,254.12, less any applicable processing or user fees prescribed by statute. Any amount withheld after all administrative and court attorney's fees are paid and should be released to the claimant.

IT IS SO ORDERED.

DATED this 17 day of August, 2016.


MARCO A. HERNÁNDEZ
United States District Judge